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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,902	11/02/2001	James J. L'Allier	23051.CIP1	8986
9355	7590	06/30/2004		
ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST, PA P.O. BOX 3791 ORLANDO, FL 32802-3791				
			EXAMINER HARRIS, CHANDA L	
			ART UNIT 3714	PAPER NUMBER

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/001,902	Applicant(s) L'ALLIER ET AL.	
	Examiner Chanda L. Harris	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 is/are allowed.
- 6) ☒ Claim(s) 1-6, 8 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/17/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

In response to the Amendment filed on 4/9/04, Claims 1-9 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Hitchcock (US 5,823,781).

[Claim 2]: Regarding Claim 2, Hitchcock discloses entering into a first database (i.e., software application) a skill level currently possessed by a user in at least one skill in a predetermined subject area. See Col.4: 31-47. Hitchcock discloses comparing the possessed skill level with a skill level desired to be possessed by the user in the at least one skill (i.e., predetermined minimum skill level for each computer application). See Col.4: 48-51. Hitchcock discloses determining from the comparing step a skill gap between the possessed skill level and the desired skill level and mapping the skill gap with at least one course (i.e., treatment) having an entry in a second electronic database to fill the skill gap, the entry comprising a skill level achievable with the use of the course and a prerequisite skill level by: locating a first course in the second

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database having a prerequisite skill level less than or equal to (i.e., predetermined minimum skill level) the possessed skill level and an achievable skill level greater than the possessed skill level (i.e., predetermined minimum skill level); adding the first course to the training regimen; if the first course achievable skill level is less than the desired skill level, locating a second course (i.e., treatment) in the second database having a prerequisite skill level less than or equal to the first course achievable skill level and further having an achievable skill level greater than the first course achievable skill level; and adding the second course to the training regimen; and presenting the user with the training regimen. See Col.4: 31-60 and Col.5: 47-64.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho in view of Mortimer et al. (US 6,091,930).

1. [Claim 1]: Regarding Claim 1, Ho discloses entering into (i.e. retrieving from) a first electronic database (i.e. learning database) a skill level currently possessed (i.e. job position) by a user in at least one skill in a predetermined subject area (i.e. a job); comparing the possessed skill level with a skill level desired to be possessed by the user in at least one skill (e.g. via the learning determinant); determining from the

comparing step a skill gap between the possessed skill level and the desired skill level (e.g. via the learning determinator, learning materials applicable to perform the one or more jobs); mapping the skill gap with at least one course (i.e. learning materials) having an entry in a second electronic database (i.e. learning database) to fill the skill gap; and presenting the user with a training regimen (i.e. learning materials) comprising at least one mapped course. See Col.3: 61-Col.4: 13. Ho discloses automatically creating a set of training interventions (i.e. learning materials) to be recommended to the user, the set containing the at least one mapped course and presenting the user with a training regimen comprising the set of training interventions. See Col.4: 4-11.

Ho does not disclose expressly permitting an administrator (i.e., professor) to review the at least one mapped course, and if desired, to manually select the at least one mapped course for including in the set of training interventions to be recommended to the user. However, Mortimer teaches such in Col.13: 62-Col.14: 9. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Ho, in light of the teaching of Mortimer, in order to enable customization of learning material.

2. [Claim 3]: Regarding Claim 3, Ho discloses a natural language description (i.e. attributes) of the course (e.g. document). See Col.8: 22-24.

3. [Claims 4-6]: Regarding Claims 4-6, Ho discloses matching words in the natural language descriptions of the mapped course (i.e. attributes) and of the at least one skill in the predetermined subject area (e.g. architect). See Col.8: 20-44.

Ho does not disclose expressly ranking each course having at least one

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matching word with the description of the at least one skill in the predetermined subject area for probable relevancy; tabulating each word in the natural language description of the mapped course; comparing each word in the natural language description of the mapped course with a list of words that should be skipped; assigning a null weighting value to each word that should be skipped as determined by each words comparing step; assigning a weighting value to each nonskipped word; and the ranking step comprises using each matching word and the weighting value of each matching word to determine a score indicative of the probable relevancy; tabulating each word phrase in the natural language description of the mapped course; and tabulating a number of occurrences of each word phrase in the natural language description of the mapped course; and wherein: the word matching step comprises matching word phrases in the natural language descriptions of the mapped course in the second database and of the at least one skill in the predetermined subject area; the weighting value assigning step further comprises assigning a weighting value to each word phrase; and the ranking step further comprises using each matching word phrase and the weighting value of each matching word phrase to supplement the score indicative of the probable relevancy. However, the aforementioned limitations are old and well-known information storage and retrieval techniques used in search engines. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitations into the method and system of Ho in order to provide advanced searching and retrieval of documents. The well-known in the art statement is

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taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho/Mortimer, as applied to claim 1 above, and further in view of Pellegrino et al. (US 6,149,441).

[Claims 8-9]: Regarding Claims 8 and 9, Ho does not disclose expressly prior to the mapping step, the step of permitting an administrator to set mapping criteria or wherein each course entry in the second database comprises a plurality of metadata elements (e.g. "audio", "image", "video") at least one of which comprises a natural language entry, and wherein the permitting step comprises receiving from the administrator a selection from among the metadata elements for consideration in the mapping step. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitations into the method and system of Ho/Mortimer, in light of the teaching of Pellegrino, in order to facilitate retrieval of relevant data from a database.

Allowable Subject Matter

Claim 7 is allowed.

Citation of Pertinent Prior Art

- Barrett et al. (US 2002/0098468)
-personalized components by instructor

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. See rejection above. This action is made NON-FINAL due to the new ground of rejection of Claim 2 under 35 U.S.C 102 above.

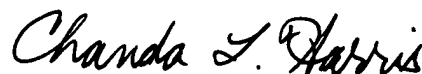
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 703-308-8358. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Chanda L. Harris
Examiner
Art Unit 3714

ch.